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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,019	01/09/2001	Allen Le Roy	ALRL12	7572
7590	04/21/2006			
Allen, Leroy & Limberg Esq. 1053 Kensington Street Port Charlotte, FL 33952			EXAMINER LEE, MICHAEL	
			ART UNIT 2622	PAPER NUMBER
DATE MAILED: 04/21/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/757,019	Applicant(s) ROY, ALLEN LE	
	Examiner M. Lee	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☒ Claim(s) 4-21 and 23-32 is/are allowed.  
 6) ☐ Claim(s) 1 and 2 is/are rejected.  
 7) ☒ Claim(s) 3 and 22 is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Weintraub et al. (4,145,720).

Regarding claim 1, Weintraub discloses a television receiver (Figure 2) showing an electrically controlled front-end circuitry (17), a first electrically controlled frequency conversion circuitry (18), an intermediate frequency voltage amplifier (19), and a cable driver amplifier (20). The television receiver is able to receive both the digital format and analog format television signals. The output of the IF amp 20 is connected to a transmission line which has a predetermined length. The channel selector 22 meets the remote control information supplying apparatus as claimed because the channel selector 22 is remotely located from the mixer 18 and RF amp 17 or the channel selector is relied upon a remote control for carrying out the channel changing operation.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weintraub et al. (4,145,720) in view of Fang (6,118,499).

Regarding claim 2, Fang does not specify the demodulation and analog to digital conversion circuitry as claimed. Fang, from the similar field of endeavor, teaches an analog to digital converter (100) and a demodulator (120). The elements enable Fang to receive and process digital television signals. As well known in the art, digital television signal has many advantages over its analog counterpart. For one, it provides much better image quality. Since the received the television signal in Weintraub can be in digital format, the demodulator 21 must perform the demodulation in digital domain. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the analog to digital converter and demodulator of Fang into Weintraub to perform the well known functions as claimed.

#### ***Allowable Subject Matter***

5. Claims 4-21, and 23-32 are allowed.

6. Claims 3 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments filed 3/3/06 have been fully considered but they are not persuasive.

In considering applicant's argument that since everything in Figure 2 (Weintraub et al.) is packaged together as a remote control device, it is indisputable that the channel selector 22 is not remotely located from the RF amplifier 17 and the mixer 18, the examiner disagrees. There is no evidence that the elements 17-20 and 22-23 in Weintraub et al. are packaged together. In fact, these elements are separately implemented according to the drawing. For instance, as admitted by the applicant, the channel selector 22 could be a rotary switch with inductors, some sort of slug tuner, or another manually operated mechanical control for the front-end circuitry. . Since these mechanical controls are located at the front panel of the television receiver, they are packaged separately from the tuner. The channel selector 22 is essentially a voltage provider for providing different control voltage levels to the oscillator 23 and RF amplifier 17. Accordingly, Weintraub et al. clearly meets the "separately packaged" limitation as claimed.

In considering applicant's argument that Weintraub et al. does not indicate that the antenna 16 is nearby their tuner 17-20, 22 and 23, the examiner disagrees. As shown in Figure 2, the antenna 16 is nearby the tuning circuits 17-20, and 22-23.

In considering applicant's argument that there is nothing in Weintraub et al. to indicate that RF amplifier 17 is "electrically controlled as called for in claim 1, the

examiner disagrees. The RF amplifier 17 in Weintraub et al. is electrically controlled by the channel selector 22 as demonstrated by U.S. patent no. 4,023,108.

In considering applicant's argument that there is nothing in Weintraub et al. to indicate that mixer 18 is electrically controlled conversion circuitry, the examiner disagrees. The mixer 18 in Weintraub et al. is electrically controlled by the oscillator 23 as shown in Figure 2. The output from the oscillator 23 is an electrical signal that oscillates in a selected frequency. The selected frequency is generated according to the output control voltage from channel selector 22 which is generated according to the channel selected by the user. U.S. patent no. 4,023,108 shows details how these circuits operate.

In considering applicant's argument that there is nothing in Weintraub et al. suggests that the element 20 is a cable driver amplifier and the transmission line is several meters long, the examiner disagrees. The amplifier 20 outputs an amplified signal to an electrical conductor or wire which conducts the amplified electrical signal to the input of the demodulator 21. The conductor clearly meets the transmission line as claimed since they both serve the same function—transmit electrical signals. Although no specific length is mentioned in Weintraub et al., the conductor is intended to be in any length so long the signal is in a tolerable limit. Accordingly, the claimed cable driver amplifier is clearly met by the intermediate amplifier 20 in Weintraub et al..

Regarding applicant's argument over the digital television reception apparatus, it is clear that tuning circuit in Weintraub et al. is able to receive both analog and digital signals since the tuner does not discriminate signal format at this stage. Therefore,

using Weintraub et al. to receive digital signals for a digital receiver is considered an intended use of the invention.

In considering applicant's argument that the references are improperly combined as evidence of the obviousness of the claim 2 invention considered as a whole to one of ordinary skill in the art at the time of the invention was made his invention...the boilerplate recitation that the digital television signal has many advantages over its analog counterpart including much better image quality does not furnish an adequate rational for combining the references, the examiner disagrees. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation is found in the knowledge available to one of ordinary skill in the art. For instance, U.S. patent no. 4,670,790 states that the digital television receiver requires less parts and adjustments compared to analog counterpart (col. 1, lines 20-24)...the operation error in the digital television receiver is small compared to the analog system, and for this reason, the phrase characteristic and the signal-to-noise ratio of the digital television receiver are more satisfactory compared to the analog system...it is possible to obtain a stable picture having a high picture quality...the digital television receiver can easily coupled to a videotex, a teletext, a personal computer and the like (col. 1, lines 24-34). In view all

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these obvious reasons, one of ordinary skill in the art would have been motivated to modify Weintraub et al. to include the digital receiver of Fang. Accordingly, the 35 U.S.C. 103 rejection is proper.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number 571-272-7349. The examiner can normally be reached on Monday through Thursday from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz, can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for



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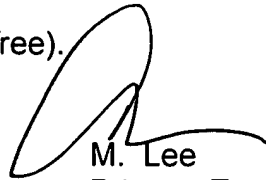
published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'M. Lee', with a large, sweeping loop at the end.

M. Lee  
Primary Examiner  
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